

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE  
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

FILED

2007 DEC 19 AM 10:22

RICHARD E. COOPER, CLERK

STATE OF TENNESSEE, *ex rel.* )  
ROBERT E. COOPER, JR., )  
ATTORNEY GENERAL AND REPORTER, )  
 )  
Petitioner, )  
 )  
v. ) No. \_\_\_\_\_  
 )  
ENERGY AUTOMATION SYSTEMS, )  
INC., a Tennessee corporation, and )  
ENERGY PROJECT ASSURANCE )  
CORPORATION, a Tennessee corporation, )  
 )  
Respondents. )

**AGREED FINAL ORDER**

This cause came to be heard on the State of Tennessee's Petition and the parties' Assurance of Voluntary Compliance, and the Court is of the opinion that the Assurance of Voluntary Compliance should be approved. It is therefore,

ORDERED, ADJUDGED, and DECREED that the Assurance of Voluntary Compliance ("Assurance") annexed hereto and incorporated herein by reference, and hereby made a part of this Agreed Final Order ("Order") be, and the same hereby is approved, and it is further

ORDERED, ADJUDGED, and DECREED that Respondents shall comply with the terms of the Assurance and this Order unless it is rescinded by the parties or modified by this Court for good cause shown.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED as follows:

(A) Jurisdiction of this Court over the subject matter herein and over the person of the Respondents for the purposes of entering into and enforcing this Order and the Assurance is admitted. Jurisdiction is retained by this Court for the purpose of enabling the State to apply such further orders and directions as may be necessary or appropriate for the construction, modification or execution of this Order and Assurance, including enforcement of compliance therewith and assessment of penalties for violation(s) thereof. Pursuant to Tenn. Code Ann. § 47-18-107, venue as to all matters between the parties relating hereto or arising out of this Agreed Order and Assurance is solely in the Circuit Court of Davidson County, Tennessee.

(B) As required in the Assurance, Respondents shall provide to the Attorney General a certified check made payable to the Treasurer - State of Tennessee in the amount of Forty Thousand and 00/100 dollars (\$40,000.00) upon execution of the Assurance. Two additional payments shall be made to the Attorney General, the first in the amount of Thirty-Five Thousand and 00/100 dollars (\$35,000.00) and the second in the amount of Forty Thousand and 00/100 dollars (\$40,000.00). These two payments shall be made by no later than May 31, 2008 and by no later than May 31, 2009, as set forth in Section 7 of the Assurance. Additionally, the payments shall be divided as follows:

Respondents shall pay to the State of Tennessee the total amount of One Hundred Fifteen Thousand and 00/100 Dollars (\$115,000.00) payable as set forth in Section 7 of this Order. Said payment shall be divided as follows:

- (A) **Tennessee Attorney General Attorneys' Fees and Costs.** Seventy Thousand Dollars and 00/100 (\$70,000.00) shall be paid and represents the attorneys' fees and costs of the Tennessee Attorney General in this matter. Said payment shall be used at the sole discretion of the Attorney General for consumer protection purposes.

(B) **Division of Consumer Affairs Consumer Education Funding.** Ten Thousand and 00/100 Dollars (\$10,000.00) shall be paid to the Tennessee Division of Consumer Affairs to fund a consumer education project or otherwise fund consumer protection investigation and litigation efforts under the Tennessee Consumer Protection Act of 1977 at the sole discretion of the Director of the Division of Consumer Affairs.

(C) **Payment to the General Fund.** Thirty-Five Thousand and 00/100 Dollars (\$35,000.00) shall be paid to the General Fund of the State of Tennessee.

(C) Respondents shall make Dealer Payments as set forth in Section 5 of the Assurance of Voluntary Compliance.


(D) Respondents hereby waive any and all rights which they may have to be heard in connection with judicial proceedings upon the Petition, Assurance and Agreed Order.

(E) This Agreed Order and the Assurance shall only be enforceable by the parties to this action.

(F) Pursuant to Tenn. Code Ann. § 47-18-107(c), an Assurance of Voluntary Compliance shall not be considered an admission of prior violation of the Tennessee Consumer Protection Act.

(G) All costs associated with the filing and distribution of this Agreed Order, Assurance and Petition and any other incidental costs or expenses incurred thereby shall be borne by Respondents. No costs shall be taxed against the State as provided by Tenn. Code Ann. § 47-18-116. Costs shall be taxed to Respondents.

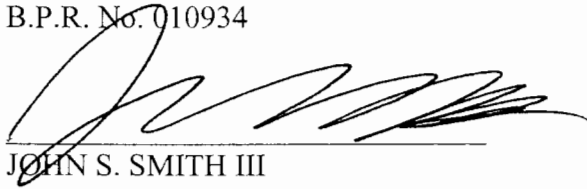
IT IS SO ORDERED.

  
\_\_\_\_\_  
Judge  
12-19-07

JOINTLY APPROVED AND  
SUBMITTED FOR ENTRY:

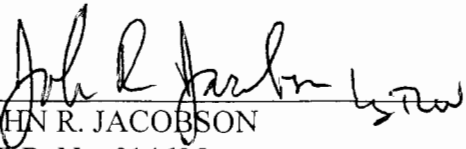
FOR THE TENNESSEE ATTORNEY GENERAL:

ROBERT E. COOPER, JR.  
Attorney General and Reporter  
B.P.R. No. 010934

A handwritten signature in black ink, appearing to read "John S. Smith III", is written over a horizontal line.

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FOR RESPONDENTS:

A handwritten signature in black ink, appearing to read "John R. Jacobson", is written over a horizontal line.

JOHN R. JACOBSON

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